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In the Matter of the Petition of Genwal  
Resources Inc. for Review of Division  
Order DO10A; Crandall Canyon Mine,  
Carbon County, Utah.

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DECLARATION  
  
OF  
  
KEVIN LUNDMARK  
  
Docket No. 2010-026  
  
Cause No. C015/0032 F

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STATE OF UTAH                    )  
  ) ss:  
COUNTY OF SALT LAKE    )

I, the undersigned, Kevin Lundmark, being first sworn upon oath do hereby state  
that the statements contained in this Declaration true and correct based upon my own  
information or belief.

1. I am over twenty-one years of age and competent to testify to the facts set forth  
herein.

2. I have a Master of Science degree in Hydrology from the University of  
Nevada-Reno and a Bachelor's Degree in Chemistry from the Colorado School of Mines,  
and have been employed as a Chemist and Environmental Scientist from August 1998 to  
the present.

3. I am currently employed as an environmental specialist for the Utah Division  
of Oil, Gas and Mining and have been employed there since November 16, 2009.       .

4. I have reviewed information contained in the permit files for Utah's underground coal mines and consulted with the Division's other hydrologists and environmental scientists who have responsibility for the current permits.


5. Based on this research and information I have prepared a chart summarizing the operational mine water discharge for Utah underground mines that is attached hereto as Exhibit A.

6. This chart demonstrates that there twenty active permits for underground mines; <sup>Fourteen</sup> ~~sixteen~~ have water discharged from the mine but only two of these, the Hiawatha and Cottonwood/Wilberg Mines have a gravity discharge during mining. <sup>Five</sup> ~~Six~~ mines are identified in the PHC as having a potential post-mining gravity discharge, and none are predicted to have water discharge that would violate water quality standards.

7. Only the Crandall canyon mine has been identified as having a post-mining gravity discharge that violates water quality standards and that will require water treatment.

<sup>8</sup> ~~7~~ Based on my research I am unaware of any prior underground coal mining operations under the regulatory authority of the Utah coal Program that have resulted in a polluted post-mining gravity discharge.

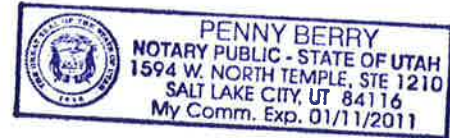
I affirm that the foregoing statements are true and accurate to my best information or belief this 22 day of November, 2010

  
Kevin Lundmark  
Utah Division of Oil, Gas and Mining

The foregoing statements were subscribed and sworn before me by Kevin

Lundmark on this 22 day of November, 2010

Penny Berry  
Notary Public



CERTIFICATE OF MAILING

The Undersigned certifies that a true and correct copy of the foregoing Division's Response to Petitioner's Request for Agency Action was sent to the following persons both electronically and by first class mail this 22 day of October, 2010

Denise Dragoo,  
Snell & Wilmer  
15 West South Temple, Suite 1200  
Salt Lake City, Utah 84101;  
and  
Kevin N. Anderson  
Fabian & Clendenin  
215 South State st. Suite 1200  
Salt Lake City, Utah 84111  
Attorneys for Genwal Resources Inc.

A handwritten signature in blue ink, appearing to read "S. H. Allen", is written over a horizontal line.

# EXHIBIT A

## Mine Water Discharge Summary

Mine <sup>1</sup>	Permit	Status	Operational Minewater Discharge		Postmining Gravity Discharge	
			Mine Water Discharge	Mine Water Treatment <sup>2</sup>	Predicted/ Observed	Pollutional
Skyline	C0070005	Active	Pump	Underground Sumps (TSS)	Not predicted per PHC	
Horse Canyon / Lila Canyon	C0070013	Active	Pump (Horse Canyon)	None reported	Not observed (Horse Canyon) / Not predicted (Lila Canyon)	
Horizon	C0070020	Active	Pump	Underground Sumps (TSS)	Not predicted per PHC	
Dugout	C0070039	Active	Pump	Underground Sumps (TSS)	Not predicted per PHC	
West Ridge	C0070041	Active	Pump	Underground Sumps & Chemical Flocculant (TSS & Iron)	Not predicted per PHC	
Emery Deep	C0150015	Active	Pump	None reported	Not predicted per PHC	
Deer Creek	C0150018	Active	Pump	None reported	Predicted per PHC	Not expected per PHC (see note <sup>3</sup> )
Bear Canyon	C0150025	Active	Pump		Predicted per PHC	Not expected per PHC
SUFCO	C0410002	Active	Pump	Underground Sumps (TSS)	Predicted per PHC	Not expected per PHC
Hiawatha	C0070011	Inactive	Gravity	None - provides culinary water for Hiawatha	Predicted per PHC / Yes observed	Culinary water
Soldier Canyon	C0070018	Inactive	Pump	Underground Sumps (TSS)	Not predicted per PHC / Not observed	
Centennial	C0070019	Inactive	Pump		Not predicted per PHC / Not observed	
Hidden Valley	C0150007	Inactive	None		Not predicted per PHC / Not observed	
Trail Mountain	C0150009	Inactive	None		Not predicted per PHC / Not observed	
Cottonwood/Wilberg	C0150019	Inactive	Gravity	None reported	Possible per PHC / Not yet observed	Not expected per PHC
Crandall Canyon	C0150032	Inactive	Pump	Underground sumps prior to 2007 collapse (TSS); Iron treatment system constructed 2010	Not predicted per PHC/ Yes observed (see note <sup>4</sup> )	Not expected per PHC; Sustained, elevated T-Fe concentrations observed
Castle Gate	C0070004	Reclamation			Not observed	
Star Point	C0070006	Reclamation			Not observed	
Gordon Creek 2, 7, 8	C0070016	Reclamation			Not observed	
Willow Creek	C0070038	Reclamation			Not observed	

### Notes:

<sup>1</sup> Underground coal mines with current SMCRA permits

<sup>2</sup> With the exception of Crandall Canyon mine, no mines currently expect to require water treatment following cessation of mining operations. Mine water treatment typically involves sumps or sedimentation ponds for removing suspended solids. To the Division's knowledge, only Crandall Canyon and West Ridge mines employ chemical treatment.

<sup>3</sup> The Operator (Energy West) has anecdotally mentioned the possibility of iron contamination in postmining gravity discharge from Deer Creek Mine. Sustained, elevated concentrations of total iron (>1 mg/L) have not been observed in mine water discharge; however, total iron levels occasionally exceed the 1 mg/L UPDES criterion in the untreated mine water discharge from this active mine. Utah DWQ believes that the iron spikes are sporadic and has not proceeded with enforcement. The PHC for Deer Creek Mine (Mayo & Associates, 1997) did not identify iron contamination in mine water as a probable consequence of mining and did not recommend monitoring mine water discharge. Total iron concentrations in the mine water discharge (UPDES Outfall 002) exceeded 1 mg/L 27 times between March 1979 and October 1997; however, the 1997 PHC report by Mayo & Associates (p. 114) states that "excess iron is not observed in the mine discharge water".

<sup>4</sup> The PHC for Crandall Canyon Mine (updated September 2003) describes the Genwal mine as a "dry mine" with a "low" probability of intercepting groundwater. The 2003 PHC also describes the Genwal mine as having no toxic-forming materials present. The PHC is currently being updated as per Division Order DO10A. Gravity discharge from the Genwal mine began in January 2008, following the mine August 2007 collapse. Iron concentration in the mine water discharge exceeded the 1 mg/L UPDES limit occasionally between January and November 2008 and have been greater than 1 mg/L continuously since December 2008.